



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

June 1, 2010

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**Agreement No. BF 972493-07
Amendment No. 1**

Robert Duffy
Mayor
City of Rochester
30 Church Street, Room 300B
Rochester, New York 14614

Subject: Brownfields Assessment Program

Dear Mayor Duffy:

Enclosed is Amendment No. 1 to the above-referenced agreement. This amendment extends the project period and budget period expiration dates to September 30, 2011, as requested in Mark Gregor's letter dated January 20, 2010. There is no change to the amount of funds awarded or the scope of work under this agreement. Please note the changes made to the administrative terms and conditions.

The enclosed agreement is forwarded to you in duplicate. Please sign and date both copies, retain one for your files and return one to this office, Attn: Roch Baamonde, Chief, Grants and Contracts Management Branch. The Completed document must be returned within three calendar weeks of receipt, or within any extension of time as may be granted by the U.S. Environmental Protection Agency.

We look forward to an early acceptance.


Sincerely,

A handwritten signature in black ink, appearing to read "Rudnell O'Neal".

Rudnell O'Neal
Lead Grants Management Specialist

Enclosures

cc: Mark D. Gregor

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		ASSISTANCE ID NO.			DATE OF AWARD 05/27/2010 MAILING DATE 06/01/2010 ACH# 20021
			PRG	DOC ID	AMEND#	
			BF -	97249307	- 1	
			TYPE OF ACTION No Cost Amendment			
RECIPIENT TYPE: Municipal			Send Payment Request to: Las Vegas Finance Center			
RECIPIENT: City of Rochester New York 30 Church Street Rochester, NY 14614 EIN: 16-6002551			PAYEE: City of Rochester New York 30 Church Street Rochester, NY 14614			
PROJECT MANAGER Mark D. Gregor 30 Church Street Rochester, NY 14614 E-Mail: mgregor@cityofrochester.gov Phone: 585-428-5978		EPA PROJECT OFFICER Lya Theodoratos 290 Broadway, ERRD/PSB/BFS New York, NY 10007-1866 E-Mail: Theodoratos.Lya@epa.gov Phone: 212-637-3260		EPA GRANT SPECIALIST Michele Junker Grants and Contracts Mgt Branch, OPM/GCMB E-Mail: Junker.Michele@epamail.epa.gov Phone: 212-637-3418		
PROJECT TITLE AND EXPLANATION OF CHANGES Rochester FY 07 Brownfield Assessment This amendment extends the project period and budget period expiration dates to September 30, 2011 as requested in Mark Gregor's letter dated January 20, 2010. This additional time will allow for the completion of work under this agreement. Administrative Condition Nos. 5, 10, 11, and 12 have been revised and Condition No. 16 has been added. All other Terms and Conditions remain in effect. There is no change to the amount of funds awarded or the scope of work under this agreement.						
BUDGET PERIOD 10/01/2007 - 09/30/2011		PROJECT PERIOD 10/01/2007 - 09/30/2011		TOTAL BUDGET PERIOD COST \$200,000.00		TOTAL PROJECT PERIOD COST \$200,000.00
NOTICE OF AWARD Based on your application dated 01/20/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$0. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)				AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS Grants and Contracts Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866				ORGANIZATION / ADDRESS U.S. EPA, Region 2 Emergency and Remedial Response Division 290 Broadway New York, NY 10007-1866		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Rudnell O'Neal, Lead Grants Management Specialist			DATE 05/27/2010	
AFFIRMATION OF AWARD BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE		TYPED NAME AND TITLE Robert Duffy, Mayor			DATE	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 200,000	\$ 0	\$ 200,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 200,000	\$ 0	\$ 200,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 104(k)(2)	40 CFR PART 31

[illegible]

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$6,703
2. Fringe Benefits	\$3,063
3. Travel	\$1,740
4. Equipment	\$0
5. Supplies	\$294
6. Contractual	\$188,200
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$200,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$200,000
12. Total Approved Assistance Amount	\$200,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$0
15. Total EPA Amount Awarded To Date	\$200,000

Administrative Conditions

All Administrative Conditions to this Agreement remain in effect, with the exceptions of Condition Nos. 5, 10, 11, and 12, which have been revised, and Condition No. 16, which has been added.

5. FINANCIAL STATUS REPORTS/GRANT CLOSEOUT

A) Interim Federal Financial Reports (FFRs)

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an interim annual Federal Financial Report (SF-425) to EPA no later than 90 calendar days following the anniversary of the start date of the agreement. All FFRs must be submitted to the Las Vegas Finance Center (address below).

B) Final Federal Financial Report

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center:

U.S. Environmental Protection Agency
Las Vegas Finance Center
PO Box 98515
Las Vegas, NV 89119

or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

C) Closeout

The Administrative Closeout Phase for this grant will be initiated with the submission of a "final" FFR. At that time, the recipient must submit the following forms/reports to the EPA Region 2 Grants and Contracts Management Branch, if applicable:

- Federally Owned Property Report
- An Inventory of all Property Acquired with federal funds
- Contractor's or Grantee's Invention Disclosure Report (EPA Form 3340-3)

Additionally, the recipient's Final Request for Payment should be submitted to the LVFC.

10. EXTENSION OF PROJECT/BUDGET PERIOD EXPIRATION DATE

If a no cost time extension is necessary to extend the period of availability of funds (budget period), the recipient must submit a written request, including a justification as to why additional time is needed and an estimated date of completion to the EPA, Region 2, Grants and Contracts Management Branch prior to the budget/project period expiration dates. An interim FFR (SF-425), which covers all expenditures and obligations to date, must also be submitted to the Las Vegas Finance Office at the address below.

U.S. Environmental Protection Agency
Las Vegas Finance Center
PO Box 98515
Las Vegas, NV 89119

or by Fax to: 702-798-2423.

11. RECYCLING AND WASTE PREVENTION

In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007) and or 40 CFR 30.16, the recipient agrees to use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

In accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

12. SINGLE AUDITS

In accordance with OMB Circular A-133, which implements the single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit a copy of the SF-SAC and a Single Audit Report Package. **For fiscal periods 2002 to 2007 recipients are to submit hardcopy to the following address:**

Federal Audit Clearinghouse
1201 East 10th Street
Jeffersville, IN 47132

For fiscal periods 2008 and beyond the recipient MUST submit a copy of the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. For complete information on how to accomplish the 2008 and beyond Single Audit Submissions you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>

16. REIMBURSEMENT LIMITATION

EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

Programmatic Conditions

All Programmatic Conditions Remain the Same